UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/51/6 (Prog. 21)
6 May 1996

ORIGINAL: ENGLISH

Fifty-first session

PROPOSED MEDIUM-TERM PLAN FOR THE PERIOD 1998-2001

Programme 21. Protection and assistance to refugees

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21.1 The overall orientation of this programme is to provide international protection to refugees, to seek permanent solutions to their problems and to provide humanitarian assistance to people of concern to the United Nations High Commissioner for Refugees. Assistance is one aspect of international protection and is a means of facilitating it. However, it is the pursuit of durable solutions to the problems of refugees that is the heart of protection and the principal objective of this programme.

21.2 The mandate for the programme is to be found in General Assembly resolutions 319 A (IV) of 3 December 1949, by which the Assembly established the Office of the United Nations High Commissioner for Refugees (UNHCR) as from 1 January 1951, and 428 (V) of 14 December 1950 containing the statute of the Office. The Assembly has also called upon the High Commissioner to provide assistance to returnees, as well as to monitor their safety and well-being on return (resolution 40/118). In addition, on the basis of specific requests from the Secretary-General or the competent principal organs of the United Nations, and with the consent of the State concerned, UNHCR provides humanitarian assistance and protection to internally displaced persons (Assembly resolution 48/116 of 20 December 1993). As regards the assistance activities of UNHCR, the basic provisions of the statute were expanded by the Assembly in its resolution 832 (IX) of 21 October 1954.

21.3 The international legal basis for the protection of refugees finds its principal expression in the 1951 Convention and the 1967 Protocol relating to the Status of Refugees. In addition, there are a number of other international instruments of relevance to the protection of refugees, such as the Convention on the Rights of the Child, adopted in 1989. At the regional level, there are also important instruments and declarations such as the Convention Governing the Specific Aspects of Refugee Problems in Africa of the Organization of African Unity, the Cartagena Declaration on Refugees, adopted by the Colloquium on the International Protection of Refugees in Central America, Mexico and Panama and the American Convention on Human Rights.

21.4 The Office of the United Nations High Commissioner for Refugees will be responsible for the achievement of the objectives of this programme.

21.5 Those objectives are, by necessity, expressed in general terms: refugee outflows, as well as the opportunities to resolve them, are, for the most part, unpredictable. The broad approach to meet these objectives consists of a range of activities, to be pursued with a continued strong emphasis on improving efficiency, transparency and accountability. Notable among these are the following:

(a) The pursuit of comprehensive strategies, in cooperation with States and other organizations, aimed at both mitigating and preventing the causes of forced population movements, as well as finding solutions to them when they occur;

(b) The ongoing development of a legal regime of international protection, in particular through the promotion of accessions to international and regional instruments relating to the status of refugees or otherwise benefiting refugees,

the effective implementation of refugee rights and the promotion and dissemination of refugee law and protection principles;

(c) The further development of contingency planning and emergency preparedness and response capabilities, in coordination with other organizations, so as to respond effectively and efficiently to situations of forced human displacement;

(d) The provision of humanitarian assistance in an environmentally sensitive manner and in such a way that it is supportive of and reinforces development initiatives to the extent possible; in addition, a concerted effort will be made to ensure that in the delivery of humanitarian assistance, the particular needs and capacities of refugee women and the special situation of refugee children will be taken into account;

(e) The systematic follow-up to relevant recommendations in the plans of action emanating from recent international conferences.

21.6 These activities and strategies will be pursued through a range of general and special programmes under the guidance of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees, in accordance with its terms of reference as contained in General Assembly resolution 1166 (XII) of 26 November 1957.

Subprogramme 21.1 International protection

21.7 During the period covered by the plan, this subprogramme will promote further accessions to relevant instruments, in particular the 1951 Convention and its 1967 Protocol, and, where applicable, the withdrawal of the geographical limitation and other reservations made by States upon becoming parties to the 1951 Convention. A related objective will be to promote the inclusion of provisions favourable to refugees in general international instruments and in national legislation.

21.8 In order to ensure international protection to all who need it, UNHCR, with the support of Member States, will explore the development of further measures that are consistent with fundamental protection principles reflected in international instruments.

21.9 A further objective of this subprogramme will be to ensure the effective implementation of refugee rights, in particular those of refugee women and refugee children, through the widest possible observance by States of internationally accepted standards for the treatment of refugees, especially the fundamental principles of asylum and non-refoulement. This will involve working for the establishment by States of fair and efficient procedures for the determination of refugee status or, as appropriate, other mechanisms to ensure that persons in need of international protection are identified and granted such protection and to ensure that all persons seeking international protection are granted access to those procedures and mechanisms. To assure a more effective response to the protection needs of refugee women and children, another objective will be wider dissemination of the respective guidelines relating to

refugee women and children, and a more concerted implementation of the guidelines.

21.10 As a result of concerns that statelessness, including the inability to establish one's nationality, may result in displacement. UNHCR will continue its activities on behalf of stateless persons. UNHCR will, in particular, actively promote accessions to the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness and the 1957 Agreement and 1973 Protocol relating to Refugee Seamen. In addition, it will strengthen the capacity of interested States to prepare and implement legislation on nationality through technical and advisory services.

21.11 Another objective of this subprogramme will be the promotion and dissemination of refugee law and protection principles, in particular through the training, in cooperation with non-governmental organizations, academic institutions and other relevant organizations, and of governmental and non-governmental officials.

21.12 The final objective of this subprogramme is to help achieve permanent solutions to the problems of refugees. In that regard, UNHCR will promote the elaboration of comprehensive and regional approaches to resolve refugee situations and, where appropriate, other forms of displacement. Of the classical durable solutions to refugee problems, namely, local settlement/integration of refugees in their country of asylum, resettlement to a third country or voluntary repatriation, UNHCR will promote the preferred solution of voluntary repatriation of refugees to their countries of origin under conditions of safety and dignity.

Subprogramme 21.2 Assistance

21.13 UNHCR assistance in response to refugee situations embraces the following: emergency assistance, care and maintenance, local settlement and voluntary repatriation supported by reintegration assistance. In the provision of such assistance, the concern of UNHCR is that assistance, where possible, be delivered in such a way that it involves the recipients. In particular, it should tap the potential of refugee women. Where possible, relief should be given in such a way that it reinforces, rather than undermines, local capacities to cope. Another preoccupation of UNHCR is that assistance programmes should not interfere with or work against the return, as soon as feasible, to a process of sustainable development.

21.14 In providing humanitarian assistance, an objective of UNHCR is that it be delivered in an environmentally sound manner. To achieve this objective, UNHCR will closely adhere to the environmental policy adopted at the forty-sixth session (1995) of its Executive Committee, and as reflected in related operational guidelines.

21.15 A further objective will be to enhance the emergency preparedness and response mechanisms of UNHCR, bearing in mind the results of consultations pursuant to Economic and Social Council resolution 1995/56 of 28 July 1995 on the strengthening of the coordination of emergency humanitarian assistance of the United Nations. In close coordination with the Department of Humanitarian

Affairs, UNHCR will further develop, with interested States, additional complementary emergency resources in the form of government service packages. In addition, UNHCR will give greater emphasis to specific preparedness measures at the country level, in particular through joint contingency planning in-country with operational partners, including provision for the integration of local resources into the planned response mechanisms.

21.16 To strengthen further the effectiveness and efficiency of its humanitarian assistance, UNHCR will establish, during the period covered by the plan, collaborative ventures with agencies having complementary mandates or competencies. In particular, new or revised memorandums of understanding will be developed with relevant United Nations organizations. Such memorandums of understanding will aim at ensuring predictable operational inputs to refugee/returnee programmes by those organizations which reflect their mandates and competencies.

21.17 Another objective under the programme will be to build on the Partnership in Action Declaration and Plan of Action (Oslo, 1994) and improve the partnership process with non-governmental organizations. UNHCR will also aim further to involve its implementing partners, both non-governmental and governmental, in programme planning and ensure that they receive the appropriate training and support to comply with conditions associated with the implementation of projects on behalf of UNHCR. In addition, UNHCR will ensure that procedures are put in place to monitor more effectively such compliance.

21.18 Among the beneficiaries of UNHCR humanitarian assistance, the Executive Committee has underlined the specific needs of refugee women and children. UNHCR believes that a concerted effort is necessary to ensure more effective implementation of its policies relating to refugee women and children in the field, even from the early phases of an emergency. During the period covered by the plan, this objective will be pursued, in particular through the provision of relevant training and related technical support.

21.19 The final objective of this subprogramme will be to ensure that reintegration assistance in support of voluntary repatriation movements is linked to broader recovery and development efforts in the countries to which refugees return. In pursuit of this objective, UNHCR will continue to support the initial rehabilitation of returnee communities through such initiatives as quick impact projects, and will work closely with development entities and international financial institutions, thereby promoting sustainable recovery in the areas of return.